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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/592,950

09/15/2006

Kazuo Okubo

296385US2PCT

8702

22850

7590

11/10/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

GONZALEZ, JULIO C

ART UNIT

PAPER NUMBER

2834

NOTIFICATION DATE

DELIVERY MODE

11/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/592,950	Applicant(s) OKUBO ET AL.	
	Examiner Julio C. Gonzalez	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1 - 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Okubo et al (US 2006/0055377)

Okubo et al discloses having a generator having a driving force generating means (wind turbine 11), electric generating means (generator 19), short circuit means 21 having relays 22, magnitude recognition means (see figure 1), control means 31, and further changing from a short circuit state to a different state based on rotational speed (see paragraphs 0079, 0080 & figures 1, 2).

4. Claims 1 – 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Okubo et al (US 2006/0145668).

Okubo et al discloses a generator system having a generator 11a being driven by wind turbine 2 and having a short circuit device 75, magnitude recognition means 82 and controller 80, 90 and further changing the from a short circuit state to an output state (paragraphs 0013, 0088, 0105) and making such state changes based on the rotational speed (paragraphs 0111 – 0114).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okubo et al (WO 2004/109101).

Okubo et al discloses a generator system having a generator 11a being driven by wind turbine 2 and having a short circuit device 75, magnitude recognition means 82 and controller 80, 90 and further changing the from a short circuit state to an output state and making such state changes based on the rotational speed (see figures 1, 2).

7. Claims 1 – 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okubo et al (WO 2005/040606).

Okubo et al discloses having a generator having a driving force generating means (wind turbine 11), electric generating means (generator 19), short circuit means 21 having relays 22, magnitude recognition means (see figure 1), control means 31, and further changing from a short circuit state to a different state based on rotational speed (see figures 1, 2, abstract).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeks (US 2,118,124) in view of Ito et al (US 2006/0249957).

Weeks discloses a generator 2 being driven by wind turbine 7 and further having short circuit devices (relays 6a-c) for short circuiting the power and changing the mode of the generator (page 2, column 1, lines 10 - 46).

However, Weeks does not disclose using a magnitude recognition device.

On the other hand, Ito et al discloses for the purpose of suppressing charge current effectively in wind power systems, a generator 42 being driven by wind turbine 41 and having magnitude recognition device 48, 50 (see figure 2; paragraph 0055, 0082, 0083). It is further disclosed that the generator is short circuited so as to act as a dynamic braker (see paragraphs 0045-0048, 0107).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a generator as disclosed by Weeks and to modify the invention by using a magnitude recognition device for the purpose of suppressing charge current effectively in wind power systems as disclosed by Ito et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on 571-272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julio C. Gonzalez/
Primary Examiner, Art Unit 2834

November 4, 2008

/J. C. G./
Primary Examiner, Art Unit 2834